

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

MARVIN EUGENE GATES, JR. §
VS. § CIVIL ACTION NO. 9:23-CV-62
CHRISTOPHER L. NORSWORTHY §

MEMORANDUM OPINION REGARDING TRANSFER

Plaintiff Marvin Eugene Gates, Jr., an inmate confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Christopher L. Norsworthy.

Discussion

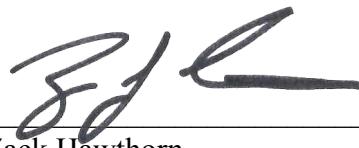
When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1333 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. Under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

Plaintiff complains of incidents that occurred at the Stiles Unit. The Stiles Unit is located in the Beaumont Division of the United States District Court for the Eastern District of Texas, but Plaintiff filed this action in the Lufkin Division. The court has considered the circumstances and has determined that the interests of justice would be served by transferring this action to the division in

which the claims arose. Therefore, the action should be transferred to the Beaumont Division. It is accordingly

ORDERED that this civil rights action is **TRANSFERRED** to the Beaumont Division of the United States District Court for the Eastern District of Texas.

SIGNED this 30th day of March, 2023.



Zack Hawthorn
United States Magistrate Judge